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8 *its individual capacity but solely as Trustee of NRZ*  
*Recovery Trust and Ditech Financial, LLC*

9  
10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 CHARLES S. GARNER, and CATHY J.  
13 GARNER, husband and wife,

14 Plaintiff,

15 vs.

16 DITECH FINANCIAL, LLC, a Delaware  
17 Limited Liability Company, BENEFICIAL  
18 MORTGAGE CO. OF NEVADA; U.S. BANK  
19 NATIONAL ASSOCIATION, NOT IN ITS  
20 INDIVIDUAL CAPACITY BUT SOLELY AS  
21 TRUSTEE OF NRZ RECOVERY TRUST; and  
all persons unknown, claiming any legal or  
equitable right, title, estate, lien, or interest in the  
property described in the complaint adverse to  
plaintiffs' title, or any cloud on plaintiffs' title  
hereto, named as DOES 1 through 50, inclusive,

22 Defendants.

Case No. 3:20-cv-00704-MMD-WGC

**STIPULATION AND ORDER TO STAY  
PROCEEDINGS**

**(FIRST REQUEST)**

23 Charles S. Garner and Cathy J. Garner (the **Garners**) and defendant U.S. Bank National  
24 Association, not in its individual capacity but solely as Trustee of NRZ Recovery Trus stipulate to  
25 stay the current litigation. The parties are in the process of evaluating whether settlement of the  
26 claims in this litigation is possible.

27 . . .

28 . . .

The current settlement offer requires the Garners to place the subject property for sale, with a close of escrow date by July 30, 2021. Given the possibility of settlement in this case, including the proposed close of escrow date by July 30, 2021, the parties request a brief stay of the proceedings to allow the parties to continue to explore settlement without incurring additional fees and costs for continued litigation.

Accordingly, the parties stipulate to stay further proceedings in the case until August 2, 2021. The parties anticipate either: 1) filing a stipulation and order for dismissal at the conclusion of the stay; or 2) preparing a joint status report to reset the discovery/dispositive motion deadlines if the parties cannot settle the case by August 2, 2021.

DATED this 2<sup>nd</sup> day of June, 2021.

AKERMAN LLP	THE LAW OFFICE OF CAROLE M. POPE
<u>/s/ Natalie L. Winslow</u> ARIEL STERN, ESQ. Nevada Bar No. 8276 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134  <i>Attorneys for U.S. Bank National Association, not in its individual capacity but solely as Trustee of NRZ Recovery Trust and Ditech Financial, LLC</i>	<u>/s/ Carole M. Pope</u> CAROLE M. POPE, ESQ. Nevada Bar No. 3779 301 Flint St. Reno, NV 89501  <i>Attorneys for Charles S. Garner and Cathy J. Garner</i>

**ORDER**

**IT IS SO ORDERED:**



**UNITED STATES DISTRICT COURT JUDGE**  
Case No. 3:20-cv-00704-MMD-WGC

DATED: 6/2/2021